IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

DARO WEILBURG,	)	
Petitioner,	)	No. 06-3125
-vs-	)	
JESSE MONTGOMERY,	)	
Respondent.	)	
	)	

OPINION

RICHARD MILLS, U.S. DISTRICT JUDGE:

In an Order entered on December 5, 2006, the Court denied the Petitioner's petition for writ of habeas corpus under 28 U.S.C. Section 2254. On January 26, 2007, the Petitioner's motion for amendment from judgment or in the alternative motion for relief from judgment was denied.

This Case is now before the Court on the Petitioner's motion for the issuance of a certificate of appealability.

Pursuant to 28 U.S.C. Section 2253© and Federal Rule of Appellate Procedure 22(b), the District Court must issue a certificate of appealability authorizing the appeal of the denial of a petitioner fro a writ of habeas corpus under section 2254. A certificate of appealability may issue only if the Petitioner makes a substantial showing of the denial of a constitutional right. The Court declines to issue a certificate of appealability.

ERGO, the Petitioner's motion for the issuance of a certificate of appealability [d/e 22] is DENIED.

ENTER: February 14, 2007

FOR THE COURT

/s/ Richard Mills
United States District Judge